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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/216,489	12/18/1998	MANNAN A. MOHAMMED	INTL-0071-US	9624

7590 08/12/2003
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EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/12/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/216,489

Applicant(s)

MOHAMMED ET AL.

Examiner

Justin P Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 24 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04 June 2003 have been fully considered but they are not persuasive.

2. In response to the Applicant's arguments regarding the rejections of claims 1 – 12.

The Applicant states *Blackshear does not teach or even suggest transmitting commands that are generated during the automatic mode of operation after the automatic mode of operation ceases*. The Examiner disagrees with the Applicant and directs to the Applicant to column 9 (lines 26 – 60) and column 10 (lines 14 – 22). Blackshear teaches that in an automatic surveillance mode **the camera is moved sequentially to each preshot** in a predefined target vector file. Once the computer accesses the target vectoring file and the first preshot is read, the camera is moved to the first preshot. The camera continues to move from preshot to preshot in the automatic surveillance mode. Blackshear teaches an example in which several preshots are stored in the target vectoring file, however, the system of Blackshear is quite capable of operation with only one preshot stored in the target vectoring file. Since, the system of Blackshear operates in a sequential manner as described above, the commands generated during the automatic mode of operation would be transmitted after the automatic mode of operation ceases.

3. In response to the Applicant's arguments regarding the rejections of claims 14 – 16.

The Applicant states *Blackshear fails to disclose sets of commands that are generated by a first application program and a second application program. Rather, Blackshear only teaches computer and control circuit electronics, and neither teaches nor suggests a first application*

Art Unit: 2612

program nor a second application program. The Examiner disagrees with the Applicant and directs the Applicant to column 5 (lines 17 – 39). Blackshear teaches the capabilities of the computer and control circuit electronics including an exchange of data. The exchange of data in a computer is controlled by application software on both the micro-hardware and system-hardware level. In the automatic control mode of Blackshear's video surveillance system, a target vectoring file which is comprised of either a single set or several sets of commands are stored in a single file within the computer. For the computer and control circuit electronics to generate a first set of commands, the target vectoring file is accessed and read. The computer and control circuit electronics receives and generates a first set of commands from the target vectoring file. Although it is not explicitly stated, a first application program for the reasons cited above must control the access to the target vectoring file. Likewise, in the manual control mode of Blackshear's video surveillance system, a human user moves a joystick in a particular direction that moves a camera in a corresponding direction. By querying the joystick, the computer and control electronics receives and generates a second set of commands. Again, although it is not explicitly stated, a second application program must control the querying of the joystick.

4. In response to the Applicant's arguments regarding the rejections of claims 17 – 28.

The Applicant states *Blackshear neither teaches nor suggests preventing the transmission of a first set of commands from being interleaved with the transmission of a second set of commands.* The Examiner disagrees with the Applicant. Blackshear teaches of a generation of a first and second set of commands in overlapping first and second time intervals, respectively. Therefore, the transmission of the first set of commands takes places during a third time interval

Art Unit: 2612

and the transmission of the second set of commands takes place during a fourth time interval which do not overlap (see claim 1 rejection for reference). As stated in column 9 (lines 26 – 60) and column 10 (lines 14 – 22), Blackshear teaches of a sequential system meaning that the next operation is not performed until previous operation is finished. By the mere sequential process, Blackshear is in fact preventing the transmission of the first set of commands from being interleaved with the transmission of the second set of commands.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackshear.

Claims 1, 6, 10, and 14 will be grouped and rejected together since the claim limitations of each claim are substantively the same. However, since, claims 1, 6, 10, and 14 comprise a method, an article, and a system, respectively, the claim language in claim 1 will be used to structure the rejection.

Claims 17, 22, and 25 will be grouped and rejected together since the claim limitations of each claim are substantively the same. However, since, claims 17, 22, and 25 comprise a method, an article, and a system, respectively, the claim language in claim 17 will be used to structure the rejection.

7. For claims 1, 6, 10, and 14, Blackshear discloses, as shown in figures 2, 3, 7, 8, and 9 and as stated in columns 4 (lines 63 – 68), 5 (lines 1 – 6 and 17 – 58), 6 (lines 6 – 22 and 49 – 56), 8,

Art Unit: 2612

9, and 10 (lines 1 – 40), a method comprising: using a processor to generate a first set of commands for an imaging device during a first time interval, the first set of commands being associated with a first task to be performed by the imaging device; using the processor to generate a second set of commands for the imaging device during a second time interval that overlaps the first time interval, the second set of commands being associated with a second task to be performed by the imaging device; after the first time interval, transmitting the first set of commands to the imaging device during a third time interval; and after the second time interval, transmitting the second set of commands to the imaging device during a fourth time interval that does not overlap the third time interval.

Blackshear teaches a method in which a digital video surveillance camera is automatically or manually controlled by a computer and control circuit (inherently containing a processor and herein referred to as the processor). Blackshear provides two modes of video surveillance operation: an automatic control mode and a manual control mode. In both the automatic control mode and the manual control mode, commands are generated in the processor and then are transmitted to the camera. The automatic control mode is guided by a target vectoring file, which is comprised of either a single/several set(s) of commands stored in a single file in the processor. Since Blackshear teaches of a video surveillance system, the single/several set(s) of commands in the target vectoring file would command the camera to move/focus/zoom/position/etc.-in on a particular predefined field of view automatically. A human controlled joystick, which is capable of signaling a processor to generate single/several set(s) of commands, initiates and guides the manual control mode. A single set of commands is simply defined as a single pan/tilt/zoom/iris/move/position/etc. function while several sets of

Art Unit: 2612

commands is simply defined as several pan/tilt/zoom/iris/move/position/etc. functions. For instance, in the automatic control mode, it is possible to store a single set of commands in a single target vectoring function wherein the single set of commands is comprised of only a single pan operation. Likewise, in the manual control mode, it is possible to move the joystick in only one direction from its resting position, thereby causing the processor to generate a single set of commands comprising the camera to pan in a corresponding direction. Blackshear teaches placing the video surveillance system in an automatic control mode until the camera is interrupted, at anytime during operation, by the manual control mode. Using the above examples of a single set of commands in the automatic control mode, the processor would access the instructions in the target vectoring file and automatically generate a single set of commands which would eventually command the camera to pan in a certain direction. Thereby, a first set of commands is generated in a first time interval. While generating the single set of commands in the automatic control mode, the manual control mode is initiated by a user moving the joystick in one position from its resting position, thereby causing the processor to generate a second set of commands in a second time interval which overlaps the first time interval. Just after the time of interruption of the automatic control mode by the manual control mode, the single set of commands generated in the automatic control code is transmitted to the camera, thereby the transmission of the first set of commands takes place in a third time interval which is after the first time interval. The third time interval overlaps the second time interval. Once the second set of commands has been generated in the second time interval it is transmitted in a fourth time interval, which does not overlap the third time interval. The fourth time interval would not

Art Unit: 2612

overlap the third time interval since the video surveillance system operates in either one of two control modes and cannot operate in both control modes simultaneously.

Blackshear teaches the capabilities of the computer and control circuit electronics including an exchange of data. The exchange of data in a computer is controlled by application software on both the micro-hardware and system-hardware level. In the automatic control mode of Blackshear's video surveillance system, a target vectoring file which is comprised of either a single set or several sets of commands are stored in a single file within the computer. For the computer and control circuit electronics to generate a first set of commands, the target vectoring file is accessed and read. The computer and control circuit electronics receives and generates a first set of commands from the target vectoring file. Although it is not explicitly stated, a first application program for the reasons cited above must control the access to the target vectoring file. Likewise, in the manual control mode of Blackshear's video surveillance system, a human user moves a joystick in a particular direction that moves a camera in a corresponding direction. By querying the joystick, the computer and control electronics receives and generates a second set of commands. Again, although it is not explicitly stated, a second application program must control the querying of the joystick.

8. As for claim 2, Blackshear discloses, as stated in column 8 (lines 31 – 39), wherein the act of transmitting the first set of commands includes packaging the first set of commands together to form a command packet. Blackshear teaches that the first set of commands is packaged together into a target-vectoring file.

9. As for claims 3, 9, and 11, Blackshear discloses, as shown in figure 3, wherein the imaging device comprises a camera.

Art Unit: 2612

10. As for claims 4, 7, 12, and 15, Blackshear discloses, as stated in column 8 (lines 5 – 12), wherein one of the first and second tasks comprises setup of the imaging device to capture a video image and capture of the video image.

11. As for claims 5, 8, and 16, Blackshear discloses, as stated in column 8 (lines 5 – 12), wherein one of the first and second tasks comprises setup of the imaging device to capture a still image and capture of the still image. Since video is a series of still frames in a sequence, it is inherent that while the camera is setting up and capturing video it is also setting up and capturing still images. Upon playback of captured video, a simple pause operation would display at least one of the several still images captured to produce the video.

12. For claims 17, 22, and 25, Blackshear discloses, as shown in figures 2, 3, 7, 8, and 9 and as stated in columns 4 (lines 63 – 68), 5 (lines 1 – 6 and 17 – 58), 6 (lines 6 – 22 and 49 – 56), 8, 9, and 10 (lines 1 – 40), a method comprising: using a processor to setup and capture a first frame, including transmitting a first set of commands, using the processor to setup and capture a second frame, including transmitting a second set of commands, and preventing the transmission of the first set of commands from being interleaved with the transmission of the second set of commands.

Blackshear teaches a method in which a digital video surveillance camera is automatically or manually controlled by a computer and control circuit (inherently containing a processor and herein referred to as the processor). Blackshear provides two modes of video surveillance operation: an automatic control mode and a manual control mode. In both the automatic control mode and the manual control mode, commands are generated in the processor and then are transmitted to the camera. The automatic control mode is guided by a target

Art Unit: 2612

vectoring file, which is comprised of either a single/several set(s) of commands stored in a single file in the processor. Since Blackshear teaches of a video surveillance system, the single/several set(s) of commands in the target vectoring file would command the camera to move/focus/zoom/position/etc.-in on a particular predefined field of view automatically. A human controlled joystick, which is capable of signaling a processor to generate single/several set(s) of commands, initiates and guides the manual control mode. A single set of commands is simply defined as a single pan/tilt/zoom/iris/move/position/etc. function while several sets of commands is simply defined as several pan/tilt/zoom/iris/move/position/etc. functions. For instance, in the automatic control mode, it is possible to store a single set of commands in a single target vectoring function wherein the single set of commands is comprised of only a single pan operation. Likewise, in the manual control mode, it is possible to move the joystick in only one direction from its resting position, thereby causing the processor to generate a single set of commands comprising the camera to pan in a corresponding direction. Blackshear teaches placing the video surveillance system in an automatic control mode until the camera is interrupted, at anytime during operation, by the manual control mode. Using the above examples of a single set of commands in the automatic control mode, the processor would access the instructions in the target vectoring file and automatically generate a single set of commands which would eventually command the camera to pan in a certain direction. Thereby, a first set of commands is generated in a first time interval. While generating the single set of commands in the automatic control mode, the manual control mode is initiated by a user moving the joystick in one position from its resting position, thereby causing the processor to generate a second set of commands in a second time interval which overlaps the first time interval. Just after the time of

interruption of the automatic control mode by the manual control mode, the single set of commands generated in the automatic control code is transmitted to the camera, thereby the transmission of the first set of commands takes place in a third time interval which is after the first time interval. The third time interval overlaps the second time interval. Once the second set of commands has been generated in the second time interval it is transmitted in a fourth time interval, which does not overlap the third time interval. The fourth time interval would not overlap the third time interval since the video surveillance system operates in either one of two control modes and cannot operate in both control modes simultaneously.

Therefore, the transmission of the first set of commands takes places during a third time interval and the transmission of the second set of commands takes place during a fourth time interval which do not overlap (see above and claim 1). As stated in column 9 (lines 26 – 60) and column 10 (lines 14 – 22), Blackshear teaches of a sequential system meaning that the next operation is not performed until previous operation is finished. By the mere sequential process, Blackshear is in fact preventing the transmission of the first set of commands from being interleaved with the transmission of the second set of commands.

13. As for claim 26, Blackshear discloses, as shown in figure 3, wherein the imaging device comprises a camera.

14. As for claims 18, 23, and 27, Blackshear discloses, as stated in column 8 (lines 31 – 39), wherein the act of preventing includes packaging one of the first and second sets of commands together to form a command packet. In the automatic control mode, the command packet is simply the target vectoring file. As mentioned above the target vectoring file can contain a single set of commands or several sets of commands. A set of commands can simply be defined

Art Unit: 2612

a panning movement in one direction. Likewise, in the manual control mode, a single movement of the joystick is a single set of commands; therefore, it is a command packet.

15. As for claims 19, 24, and 28, Blackshear discloses, as shown in figures 2, 3, 7, and 9 and as stated in columns 4 (lines 63 – 65), 5 (lines 27 – 35), 6 (lines 6 – 22 and 49 – 56), 8 (lines 5 – 12 and 31 – 39), 9 (lines 26 – 31), and 10 (lines 14 – 32), wherein the packaging comprises accumulating the first set of commands as the commands for the first set are being generated; and accumulating the second set of commands concurrently with the accumulation of the first set of commands as the commands for the second set are being generated. As taught above with respect to claims 1 and 17, Blackshear teaches concurrent generation of the first and second sets of commands with an overlapping first and second time intervals. The accumulation of the commands takes place during command generation.

16. As for claims 20 and 21, Blackshear discloses, as shown in figures 3 and 7 and as stated in column 8 (lines 5 – 12), wherein one of the acts of accumulating the first and second sets of commands comprises executing an application program also wherein one of the acts of accumulating the first and second sets of commands comprises executing a driver program. Blackshear teaches a video surveillance camera system in which computer and control circuit electronics operate off of either one of two modes of operation. As stated above with respect to the Applicant's arguments and claim 14, it is inherent to the computer and control circuit electronics to operate off of driver programs.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2612

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The examiner can normally be reached on Monday - Friday, 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703.306.0377.

JPM

August 5, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600